

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA

- v. -

FRANK JONES,  
a/k/a "Blackout,"

Defendant.

JUDGE BATTIS

07 Cr. 632

07 Crim. 632

COUNT ONE

The United States Attorney Charges:

1. From in or about November 2006 through in or about December 2006, in the Southern District of New York and elsewhere, FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, not being a licensed importer, licensed manufacturer, and licensed dealer, unlawfully, willfully, and knowingly, did engage in the business of dealing in firearms, and in the course of such business did ship, transport, and receive firearms in interstate commerce, to wit, JONES, not being a licensed importer, manufacturer, or dealer, sold three firearms that had been transported in interstate commerce.

(Title 18, United States Code, Section 922(a)(1)(A).)

COUNT TWO

The United States Attorney further charges:

2. In or about November 2006, in the Southern District of New York and elsewhere, FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

3. It was a part and an object of the conspiracy that FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, mixtures and substances containing a detectable amount of cocaine, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).

(Title 21, United States Code, Section 846.)

COUNT THREE

The United States Attorney further charges:

4. In or about November 2006, in the Southern District of New York and elsewhere, FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

5. It was a part and an object of the conspiracy that FRANK JONES, a/k/a "Blackout," the defendant, and others known and

unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 5 grams and more of mixtures and substances containing a detectable amount of cocaine base (in a form commonly known as "crack"), in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B).

(Title 21, United States Code, Section 846.)

COUNT FOUR

The United States Attorney further charges:

6. In or about 2006, in the Southern District of New York and elsewhere, FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

7. It was a part and an object of the conspiracy that FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, mixtures and substances containing a detectable amount of heroin, in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(C).

8. It was another part and an object of the conspiracy that FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, 5 grams and more of

mixtures and substances containing a detectable amount of cocaine base (in a form commonly known as "crack") in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B).

(Title 21, United States Code, Section 846.)

COUNT FIVE

The United States Attorney further charges:

9. In or about 1999, in the Southern District of New York and elsewhere, FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, unlawfully, intentionally, and knowingly combined, conspired, confederated, and agreed together and with each other to violate the narcotics laws of the United States.

10. It was a part and an object of the conspiracy that FRANK JONES, a/k/a "Blackout," the defendant, and others known and unknown, would and did distribute, and possess with intent to distribute, a controlled substance, to wit, approximately 5 grams of mixtures and substances containing a detectable amount of cocaine base (in a form commonly known as "crack"), in violation of Title 21, United States Code, Sections 812, 841(a)(1), and 841(b)(1)(B).

(Title 21, United States Code, Section 846.)

COUNT SIX

The United States Attorney further charges:

11. From in or about November 2006 to in or about December 2006, in the Southern District of New York and elsewhere, FRANK

JONES, a/k/a "Blackout," the defendant, after having been convicted in a court of a crime punishable by imprisonment for a term exceeding one year, to wit, a conviction on or about October 5, 2004, in Bronx County Supreme Court, for attempted robbery in the second degree, a Class D Felony, unlawfully, willfully, and knowingly, did possess in and affecting commerce firearms, to wit, a loaded .38 caliber RG Industries revolver; a .380 caliber Hi-Point semi-automatic firearm; and a 9mm Ruger semi-automatic firearm, all of which had previously been shipped and transported in interstate commerce.

(Title 18, United States Code, Section 922(g)(1).)

#### **FORFEITURE ALLEGATION**

12. As a result of the crimes alleged in Counts Two through Five of this Information, FRANK JONES, a/k/a "Blackout," the defendant, shall forfeit to the United States, pursuant to 21 U.S.C. § 853, any and all property constituting or derived from any proceeds the said defendant obtained directly or indirectly as a result of the said violations and any and all property used or intended to be used in any manner or part to commit and to facilitate the commission of the violations alleged in Counts Two through Five of this Information, including but not limited to proceeds obtained as a result of the offenses described in Counts Two through Five of this Information.

#### **SUBSTITUTE ASSETS PROVISION**

13. If any of the above-described forfeitable property, as

a result of any act or omission of the defendant:

a. cannot be located upon the exercise of due diligence;

b. has been transferred or sold to, or deposited with, a third person;

c. has been placed beyond the jurisdiction of the Court;

d. has been substantially diminished in value; or

e. has been commingled with other property which cannot be subdivided without difficulty;

it is the intent of the United States, pursuant to 21 U.S.C. § 853(p), to seek forfeiture of any other property of the defendant up to the value of the above forfeitable property.

(Title 21, United States Code, Sections 846 and 853.)

A handwritten signature in black ink, reading "Michael J. Garcia", written over a horizontal line.

MICHAEL J. GARCIA  
United States Attorney

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UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

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FRANK JONES,

Defendant.

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INFORMATION

07 Cr.

(18 U.S.C. § 922,  
21 U.S.C. §§ 812, 841, 846)

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MICHAEL J. GARCIA

United States Attorney.

7/12/07 Filed Information & Waiver of indictment  
Deft. Pres. Walter L. Schoenbach & AUSA Steve  
Lee Present. Deft. Pleads not guilty. Sent  
Cont'd.  
S Mag. Judge Lat